

Attorney Docket # 4925-78RCE

Serial No. 09/745,515
Amdt. dated November 23, 2004
RCE Submission - Reply to Final Rejection dated August 24, 2004REMARKS/ARGUMENTS

The Final Rejection mailed August 24, 2004 has been reviewed and carefully considered. Before entry of the present Amendment, Claims 1-34 were pending, with Claims 1, 12, 24, 25, and 33 being in independent form. In the present Amendment, Claims 1-13, 16-17, and 24-34 are being cancelled without prejudice, and independent Claims 35, 36, and 37 are being added. Claims 14-15 and 18-23 are being amended to depend from, and be consistent with, newly added independent Claim 35. None of the newly added claims constitute new matter: newly added Claims 35-37 are supported by at least FIGS. 3A and 3B and the accompanying description from page 11, line 9, to page 16, line 19. Reconsideration and withdrawal of the rejections in the August 24, 2004 Final Rejection are requested on the basis of the foregoing amendments and the following remarks.

In the Office Action, the Examiner rejected independent Claims 1, 12, 25, and 33, as well as Claims 2-4, 11, 13-15, 22, 23, 26-28, 32, and 34 depending therefrom, under 35 USC §103(a) as unpatentable over *Wright et al.* (US 5,426,594) in view of *Alperovich* (US 6,175,741) and rejected independent Claim 24 under 35 USC §103(a) as unpatentable over *Wright et al.* in view of *Alperovich*, and in further view of *Cushman et al.* (US 6,125,287). The remaining dependent claims, Claims 5-10, 16-21, and 29-31, were rejected over various combinations of *Wright*, *Alperovich*, *Schroeder* (US 6,032,053), *Hoff* (US 5,054,594), and *Doe et al.* (US 5,973,612).

In response, all of the previously pending independent claims (i.e., Claims 1, 12, 24, 25, and 33), as well as Claims 2-11, 13-23, and 26-32 depending therefrom, are being cancelled without prejudice in the present Amendment, and three new independent claims (i.e., Claims 35, 36, and 37) are being added. Previously pending dependent Claims 14-15 and 18-23 are being amended to depend from newly added independent Claim 35.

Neither the cited prior art, nor any combination thereof, teach or suggest the invention recited in newly added independent Claim 35.

Wright teaches an "electronic greeting card communication system" in which a user selects an electronic greeting card ("e-card") using a "first personal communicator" which also sends a request message identifying the e-card and the intended recipient (i.e., the "second personal communicator") to an e-mail server (see, e.g., Abstract, and col. 2, lines 37-43). The e-mail server processes the request, and sends the e-card to the intended recipient (see, e.g., col. 2,

Attorney Docket # 4925-78RCE

Serial No. 09/745,515

Amdt. dated November 23, 2004

RCE Submission - Reply to Final Rejection dated August 24, 2004

lines 43-63). In short, *Wright* provides a system for transmitting e-cards, as well as a system of billing for the transmitted e-cards.

Alperovich teaches a system in which a "sending mobile station (MS)" sends updates of business card information to each "receiving MS" which has previously received and stored such business card information. Thus, if, after user B has sent his business card information to the MS of user A, user B changes some of the data in his business card information, that data change is automatically sent to the MS of user A, so that the business card information stored in the MS of user A is appropriately changed. Furthermore, the passage in *Alperovich* cited by the Examiner (lines 58-67 of col. 8) describes an embodiment in which, when changes are made to business cards located in a centralized card file at the SMS service center, a notification message is sent to the business card applications within the mobile terminals. In short, *Alperovich* is a system for updating data files stored on mobile stations.

By contrast, newly added independent Claim 35 recites a method for informing a party associated with a data object that said data object has been activated by a user of a mobile terminal in which said data object is currently being stored (i.e., the storing mobile terminal). Whenever the user of the storing mobile terminal activates the stored data object, a notifying message is transmitted to the mobile terminal of the associated party. When the mobile terminal of the associated party (i.e., the associated mobile terminal) receives the notifying message, an "auditory, visual, and/or tactile signal" is presented to the associated party to thereby inform the associated party that the data object stored on the storing mobile terminal has been activated by the user of the storing mobile terminal.

Neither *Alperovich*, *Wright*, nor any combination thereof, teach or suggest presenting an "auditory, visual, and/or tactile signal" to an associated party when a data object on a mobile terminal is activated. The Examiner "interprets the business card data update associated with the notification process [in *Alperovich*] to be equivalent to the Applicant's claim for sending a notifying message to a predefined terminal of the second party each time a data object is activated by the terminal of the first party" (Final Rejection, page 3, lines 6-10). Regardless of whether this assertion by the Examiner is true, *Alperovich* does not teach presenting an "auditory, visual, and/or tactile signal" to a party when a data object associated with that party is activated on a mobile terminal storing that data object. In fact, unless the user in *Alperovich* has memorized the contents of the business cards stored on his mobile terminal, he would be completely unaware that the contents had changed. The purpose of *Alperovich* is to keep the

Attorney Docket # 4925-78RCE

Serial No. **09/745,515**

Amtd. dated November 23, 2004

RCE Submission - Reply to Final Rejection dated August 24, 2004

business card data updated (by having the data in the mobile terminal automatically changed when a change to a "master" business card is made at a centralized location), not to inform the user of the mobile terminal that the business card data has been updated. Furthermore, neither *Wright* nor *Alperovich* suggest or consider having the people identified in particular business cards be notified every time a user activates that particular business card (e.g., by viewing it) on a mobile terminal storing that particular business card. In contrast, the invention claimed in newly added independent Claim 35 does just that—provide a system whereby a first individual receives an "auditory, visual, and/or tactile signal" each time another individual activates a data object associated the first individual but stored on a mobile terminal of the other individual.

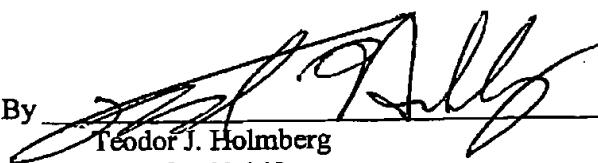
Since the combination of *Alperovich* and *Wright* neither teaches nor suggests the limitations recited in newly added independent Claim 35, it is patentable over the combination of *Alperovich* and *Wright*. Thus, its allowance is respectfully requested. Furthermore, because Claim 35 is believed to be in allowable condition, it is also believed that amended Claims 14-15 and 18-23 are also in condition for allowance, and withdrawal of their rejection is respectfully requested. Lastly, newly added independent Claims 36 and 37 are also believed to be in condition for allowance for at least substantially the same reasons as newly added independent Claim 35.

In light of the foregoing amendments and remarks, allowance of all presently pending claims is respectfully requested.

Respectfully submitted,

COHEN, PONTANI, LIEBERMAN & PAVANE

By



Teodor J. Holmberg

Reg. No. 50,140

551 Fifth Avenue, Suite 1210

New York, New York 10176

(212) 687-2770

Dated: November 23, 2004